

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES MCINTOSH,
Plaintiff,

v.

MARIA BENISH, et al.,
Defendants.

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Civ. No. 11-7165

ORDER

AND NOW, this 28th day of February, 2012, for the reasons stated in the accompanying Decision, it is hereby **ORDERED** as follows:

1. Plaintiff's Application for Leave to Proceed *In Forma Pauperis* (Doc. No. 1) is **GRANTED**.
2. Plaintiff, James McIntosh, #50931-066, shall pay the full filing fee of \$350 pursuant to 28 U.S.C. § 1915(b). Based on Plaintiff's financial statement, an initial partial filing fee of \$10.13 is assessed. The Warden or other appropriate official at the Federal Correctional Institution in Fairton, where Plaintiff is presently confined, or at any other correctional facility at which Plaintiff may be confined, is directed to deduct \$10.13 from Plaintiff's prisoner account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 2609 U.S. Courthouse, Philadelphia, PA 19106, to be credited to Civil Action No. 11-7165. Thereafter, until the full filing fee is paid, the Warden or other appropriate official at the Federal Correctional Institution in Fairton, or at any prison at which Plaintiff may be confined, shall deduct from Plaintiff's account, each time that Plaintiff's prisoner

account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 11-7165;

3. Plaintiff's Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i);
4. The Clerk of Court is directed to send a copy of this Order to the Warden of the Federal Correctional Institution in Fairton; and
5. This case shall be marked **CLOSED**.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.